

4/10/08

#25  
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Docket No.: 05500-00146-US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent of:**

Umbeck, Paul F.

Issued: April 2, 1991

U.S. Patent No. 5,004,863

(Application Ser. No.: 06/937,384)

Filed: December 3, 1986

RECEIVED

APR 15 2008

For: GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES

Examiner: Fox, D. OFFICE OF PETITIONS

**PETITION TO CORRECT INVENTORSHIP IN A PATENT - (37 CFR § 1.324)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.324, please correct the above-identified patent to add Norman Trolinder of as co-inventor.

The error in omitting Ms. Trolinder as an inventor occurred without deceptive intention.

It is noted that the subject patent was involved in an interference (Interference No. 105,367). The interference has now terminated, and the time periods for taking any further appeals have lapsed with no further appeals having been taken.

Enclosed in support of this petition are:

1. A statement by signed by Norma Trolinder that the inventorship error occurred without any deceptive intention on her part. See 37 C.F.R. 1.324(b)(1). Ms. Troliner is the only person whose name is being added as inventor by this petition.

04/10/2008 SPIRET01 00000017 5004863

01 FC:1811  
02 FC:1464

2. A statement signed by the originally-named inventor, Paul Umbeck, agreeing to the change of inventorship. See 37 C.F.R. 1.324(b)(2). Mr. Umbeck is the sole originally-named inventor on the subject patent.
3. A statement signed by all assignees of record indicating their agreement to the change of inventorship. Please note that there are two assignees of the subject patent. Information showing compliance with 37 C.F.R. 3.73(b) is provided in connection with each assignee.
4. The petition fee set forth in 37 CFR §1.20(b) - authorization provided below.

Grant of the relief requested in this petition to correct inventorship is respectfully solicited.

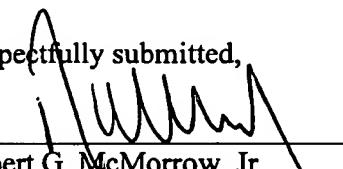
A Request for Certificate of Correction and a proposed Certificate of Correction are attached.

Please charge our Credit Card in the amount of \$130.00 covering the required fee. Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed.

If any additional fee is due, please charge Deposit Account No. 03-2775, under Order No. 05500-00146, from which the undersigned is authorized to draw.

Date: April 9, 2008

Respectfully submitted,

By   
Robert G. McMorrow, Jr.

Registration No.: 30,962  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Patentees

#591482

Enclosures: A) Statement of Additional Inventor;  
B) Statement of Current Inventor;  
C) Statement of Assignees (2);  
D) Request for Certificate of Correction;  
E) Proposed Certificate of Correction.



Patent No. 5,004,863 (Ser. No. 06/937,384)

Attorney Docket No.: 05500-00146-US

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 686925850 US in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on April 9, 2008  
Date



Signature

Jean M. Marshall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition to Correct Inventorship in a Patent – (37 CFR § 1.324) (2 pages)  
Statement of Additional Inventor (1 page)  
Statement of Current Inventor (1 page)  
Statement of Assignees (2) (4 pages)  
Certificate of Correction (1 page)  
Request for Certificate of Correction (Fee Required) (2 pages)  
Payment by credit card. Form PTO-2038 is attached (1 page)  
Charge \$230.00 to credit card  
Return Postcard



Docket No.: 05500-00146  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:  
Umbeck, Paul F.

**U.S. Patent No. 5,004,863**  
(Application Ser. No.: 06/937,384)

Filed: December 3, 1986

For: **GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES**

Issued: April 2, 1991

Art Unit: 1804

Examiner: Fox, D.

**RECEIVED**

APR 15 2008

OFFICE OF PETITIONS

**STATEMENT OF ADDITIONAL INVENTOR - 37 CFR § 1.324(b)(1)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement accompanies a petition under 37 CFR § 1.324 to correct inventorship of the above-referenced U.S. patent.

I, Norma Trolinder, respectfully request that I be added as a named coinventor to the above-identified patent.

The inventorship error occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent.

  
Norma Trolinder 3/7/08  
Date

#591491



Docket No.: 05500-00146  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Umbeck, Paul F.

U.S. Patent No. 5,004,863

(Application Ser. No.: 06/937,384)

Filed: December 3, 1986

For: GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES

Issued: April 2, 1991

Art Unit: 1804

Examiner: Fox, D.

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APR 15 2008

OFFICE OF PETITIONS

STATEMENT OF CURRENT NAMED INVENTOR - 37 CFR § 1.324(b)(2)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement accompanies a petition under 37 CFR § 1.324 to correct inventorship of the above-referenced patent.

I, Paul F. Umbeck, agree that the inventorship of the above-referenced patent should be changed to add Norma Trolinder as an inventor.

I hereby declare that all statements made herein of my knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent.

  
Paul F. Umbeck



Date



Docket No.: 05500-00146  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of:  
Umbeck, Paul F.

Issued: April 2, 1991

**U.S. Patent No. 5,004,863**  
(Application Ser. No.: 06/937,384)

Filed: December 3, 1986

Art Unit: 1804

For: **GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES**

Examiner: Fox, D.

**STATEMENT OF ASSIGNEES - 37 CFR § 1.324(b)(3)**

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APR 15 2008

OFFICE OF PETITIONS

Dear Sir:

This statement accompanies a petition under 37 CFR § 1.324 to correct inventorship of the above-referenced U.S. patent. The undersigned understand that a request is being made to change the inventorship on the patent by adding Norma Trolinder as a coinventor.

There are two different assignees of this patent: 1) Monsanto Technology LLC; and 2) Bayer CropScience AG.

We agree to the requested change of inventorship of this patent. The undersigned signatories are duly authorized to execute this document on behalf of the assignees.

The undersigned assignees are the owners of record of the above-identified patent as indicated by the records of the USPTO as follows:

**As to Monsanto Technology LLC**

1. From Paul F. Umbeck - originally named inventor - to Agracetus - recorded at Reel 4691, Frame 0308 on January 27, 1987;

2. From Agracetus to Agracetus, Inc. – recorded at Reel/Frame 006017/0567 on February 24, 1992;
3. From Agracetus, Inc. to Monsanto Company – recorded at Reel/Frame 008178/0454 on October 15, 1996; and
4. From Monsanto Company to Monsanto Technology LLC – recorded at Reel/Frame 012350/0224 on June 13, 2001.

As to Bayer CropScience AG

5. From Norma Trolinder (inventor to be added) to Aventis CropScience GmbH – recorded at Reel/Frame 012641/0015 on February 25, 2002;
6. From Aventis CropScience GmbH to Bayer CropScience GmbH – recorded at Reel/Frame 017105/0402 on February 2, 2006; and
7. From Bayer CropScience GmbH to Bayer CropScience AG - recorded at Reel/Frame 020666/0490 on March 19, 2008.

We hereby declare that all statements made herein of our knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent.

Monsanto Technology LLC

Signature 

Name JOSEPH A. SCHAPER

Title Intellectual Property

Date MARCH 31, 2008

Bayer CropScience AG

Signature 

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

#591514



Docket No.: 05500-00146  
(PATENT)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Umbeck, Paul F.

Issued: April 2, 1991

**U.S. Patent No. 5,004,863**  
(Application Ser. No.: 06/937,384)

Filed: December 3, 1986

Art Unit: 1804

For: **GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES**

Examiner: Fox, D.

RECEIVED

APR 15 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

Dear Sir:

This statement accompanies a petition under 37 CFR § 1.324 to correct inventorship of the above-referenced U.S. patent. The undersigned understand that a request is being made to change the inventorship on the patent by adding Norma Trolinder as a coinventor.

There are two different assignees of this patent: 1) Monsanto Technology LLC; and 2) Bayer CropScience AG.

We agree to the requested change of inventorship of this patent. The undersigned signatories are duly authorized to execute this document on behalf of the assignees.

The undersigned assignees are the owners of record of the above-identified patent as indicated by the records of the USPTO as follows:

As to Monsanto Technology LLC

1. From Paul F. Umbeck - originally named inventor - to Agracetus - recorded at Reel 4691, Frame 0308 on January 27, 1987;

Docket No.: 05500-00146-US

U.S. Patent No. 5,004,863

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As to Bayer CropScience AG

5. From Norma Trolinder (inventor to be added) to Aventis CropScience GmbH – recorded at Reel/Frame 012641/0015 on February 25, 2002;
6. From Aventis CropScience GmbH to Bayer CropScience GmbH – recorded at Reel/Frame 017105/0402 on February 2, 2006; and
7. From Bayer CropScience GmbH to Bayer CropScience AG - recorded at Reel/Frame 020666/0490 on March 19, 2008.

We hereby declare that all statements made herein of our knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent.

Monsanto Technology LLC

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

Bayer CropScience AG  
 Signature \_\_\_\_\_  
 Name Dr. R.R. Jesse  
 Title Global Head of  
 Patents and Licensing  
 Date 2008-03-26

#591514



102 G  
Docket No.: 05500-00146-US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:  
Paul F. Umbeck

Patent No.: 5,004,863  
(Application Ser. No.: 06/937,384)

Issued: April 2, 1991

Filed: December 3, 1986

Art Unit: 1804

For: GENETIC ENGINEERING OF COTTON  
PLANTS AND LINES

Examiner: Fox, D.

04/10/2008 SD-PETITION 0000017 300485

01 FC:1811  
02 FC:1464

100.00 DP  
130.00 DP

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 CFR 1.323**

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

APR 15 2008

Dear Sir:

OFFICE OF PETITIONS

Please make the following correction to the face of the above-referenced patent:

On page 1, in the identification of inventors, [75], please add Norma Trolinder as a co-inventor under the name of Paul F. Umbeck.

Please charge our Credit Card in the amount of \$100.00 covering the fee set forth in 37 CFR 1.20(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed.

The correction is being made pursuant to a Petition to Correct Inventorship in a Patent pursuant to 37 CFR § 1.323 and does not involve new matter or require reexamination.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Patent No.: 5,004,863

Docket No.: 05500-00146-US

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 05500-00146-US.

Dated: April 9, 2008

Respectfully submitted,

By Robert G. McMorrow, Jr.

Registration No.: 30,962  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P. O. Box 2207  
Wilmington, Delaware 19899-2207  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 5,004,863  
APPLICATION NO. : 06/937,384  
ISSUE DATE : April 2, 1991  
INVENTOR(S) : Paul F. Umbeck

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On page 1, Inventor(s) [75], please add the name of Norma Trolinder as a co-inventor under the name of Paul F. Umbeck.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Robert G. McMorrow, Jr.  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P. O. Box 2207  
Wilmington, Delaware 19899-2207